

UNION PACIFIC VICTORY.

Judge Dundy Denies the Rock Island's Appeal for an Injunction.

FULL TEXT OF THE JUDICIAL OPINION.

How He Regards the Winning Road—It Has but One Master, and That is Congress—As to the Contract.

LINCOLN, Neb., Jan. 30.—[Special Telegram to The Bee.]—In the United States court this morning Judge Dundy handed down his opinion in the noted Union Pacific bridge case. The decision is a victory for the Union Pacific and is exciting considerable comment. As is well known a temporary injunction has been secured by the Rock Island to restrain the Union Pacific from interfering with the passage of Rock Island cars over the Union Pacific bridge. The judge declared that the motion for a temporary injunction is denied and that the motion to dissolve the restraining order is sustained.

Following is the opinion in full:

This suit was commenced in the state court, and on December 30, 1890, the plaintiff, the Union Pacific, filed a bill in equity to restrain the defendant, the Rock Island, from interfering with the passage of its cars over the Union Pacific bridge. The bill alleged that the defendant had erected a structure over the bridge which would prevent the passage of the plaintiff's cars, and that the defendant had refused to remove the same. The plaintiff prayed for an injunction to restrain the defendant from such interference, and for damages.

The defendant answered the bill, denying the allegations and claiming that the bridge was a public highway, and that the plaintiff had no right to interfere with its use. The defendant also claimed that the bridge was a public highway, and that the plaintiff had no right to interfere with its use.

The court heard the evidence and the arguments of both parties. The plaintiff's case was supported by the testimony of its engineers and other experts, who testified that the bridge was a public highway, and that the defendant's structure would prevent the passage of the plaintiff's cars. The defendant's case was supported by the testimony of its engineers and other experts, who testified that the bridge was a private structure, and that the plaintiff had no right to interfere with its use.

The court, in its opinion, found in favor of the plaintiff. It held that the bridge was a public highway, and that the plaintiff had a right to use it for the passage of its cars. It also held that the defendant's structure was an interference with the plaintiff's right, and that the plaintiff was entitled to an injunction to restrain the defendant from such interference.

The court's opinion is a victory for the Union Pacific, and it is expected that the defendant will appeal the decision to the federal court.

MOURNING IN WASHINGTON.

Universal Expressions of Sorrow Over the Death of Secretary Windom.

THE REMAINS ARRIVE FROM NEW YORK.

They are Met by the President and Cabinet and Escorted to the Residence—Tributes of Respect.

WASHINGTON, Jan. 30.—The president and the members of his cabinet assembled at the Baltimore and Ohio station this afternoon to receive the remains of Secretary Windom, which arrived on a special train at 4:30. Besides them nearly all the public officials of Washington were at the depot. When the train arrived the casket was taken in charge by company B of the Treasury national guard and borne slowly to the house. When all was ready the procession formed and moved from the depot by way of Pennsylvania, Vermont and Massachusetts avenues to the secretary's residence. The house was crowded with people, who were gathered to pay tribute to the memory of the deceased. The remains were placed in the house, and the president and cabinet members stood by the casket. The president, in a brief address, expressed his sorrow over the death of the secretary, and his confidence in the future of the country. The cabinet members also expressed their sorrow, and their confidence in the future of the country.

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FOSTER FOR THE TREASURY.

Political Prophets Select Ohio's Ex-Governor for the Vacant Portfolio.

MCKINLEY'S NAME ALSO MENTIONED.

A Special Bulletin Containing Indian Statistics Issued from the Census Office—Tariff Talk and Miscellaneous.

WASHINGTON, Jan. 30.—[Special Telegram to The Bee.]—The prediction is made late today that ex-Governor Charles Foster of Ohio will be the successor to Secretary Windom, and the forecast is made in such a quarter that it carries weight. While Major McKinley's appointment would be favorably received in every quarter, that of ex-Governor Foster, it is thought, would be better received, viewed from several standpoints. Ex-Governor Foster's great financial success, popularity and his friendship for President Harrison are being urged as accessory arguments in favor of his selection. The higher official circles Foster is the prime favorite tonight.

Representative William McKinley of Ohio is also mentioned. The politicians argue that inasmuch as he will be of public life within less than five weeks, about the time the appointment of a successor to Secretary Windom should be made, and he is well known to the public, and his law which has been enacted, and out of which many complications may grow, and is an acknowledged politician economist and financier, it would be the proper thing to call him to this position, especially since Ohio has no representative in the cabinet and Mr. McKinley is in such perfect harmony with the president. Some of his friends immediately announced that he would not accept it if tendered for two reasons: First, because he expects to run for the presidential nomination next year; secondly, because he must be had by the republican party for the gubernatorial race this fall in Ohio in order to wheel that state into line again. While nearly every prominent republican in the country is in favor of the selection, opinion was about evenly divided between the wisdom of taking him out of the race for governor this fall and his willingness to accept the treasury portfolio in view of his political future.

Senator Spooner of Wisconsin was often mentioned in the capital during the afternoon, and in official circles, but the fact that Secretary Rusk was appointed from Wisconsin and combine to make it unlikely that he will be selected. It is thought that the senate in March could take him out of the line of probabilities.

The New York men believe that Secretary Tracy will be transferred to the treasury department. General Tracy is an able financier and would make a splendid secretary of the treasury. He could fill with ability and place in the cabinet. The New Yorkers transfer for United States Treasurer Huston of Indiana as secretary of the navy, and Secretary Foster as secretary of the treasury. Wide suggestion is also made of the name of Colonel John C. New of Indiana, a general in the army, and a member of the treasury.

Secretary Windom's sudden death shocked every body at the national capital. It was a great loss to the country, and it was a great loss to the treasury department. The secretary was a man of great ability and experience, and he was a man of great popularity. His death was a great loss to the country, and it was a great loss to the treasury department.

PROHIBITION HOPES BLASTED.

The Bill Providing for a Re-count of the Ballots Indefinitely Postponed.

RELIEF FOR THE DROUTH SUFFERERS.

The Measure Appropriating \$100,000 Passes the House by a Unanimous Vote—Proceedings of Friday's Session.

LINCOLN, Neb., Jan. 30.—[Special to The Bee.]—The motion to indefinitely postpone the bill providing for a recount of the votes cast for and against the prohibitory amendment in the late election was made by Mr. Stevens of Kansas. But Mr. Wilson of Nebraska is pronounced prohibitionist. It seems that Stevens did not know that the bill had been introduced by his conferees, and was not apprised of the fact until after the session. In favor of the motion had spread over the house, and the motion was made for a fair and agricultural society purposes.

The motion prevailed as elsewhere recorded. Mr. Stevens was asked why he had moved for the indefinite postponement, and said that he did not know that the bill had been introduced with Mr. Wilson. If he had, he certainly would have taken steps to knock out his pet measure until it was too late for the gentleman from Kansas to retrace his steps.

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Three Murderers Identified. CHICAGO, Jan. 30.—The trio of toughs—Featherston, Bennett and Corbett—awaiting trial for a daring attempt to rob the South Chicago Mercantile bank, were today found to be identical with the men who were arrested in the same city some time ago. The three men were identified by the police, and they were all found to be the same men who were arrested in the same city some time ago.

The Weather Forecast. For Omaha and vicinity—Snow or rain; slightly warmer.

For Nebraska—Rain or snow; southerly, shifting to northwesterly winds; much colder by Sunday morning, with cold wave in eastern portion. For Iowa and South Dakota—Threatening weather and snow; variable winds, shifting to northerly; cold wave.

Wrecked by a Misplaced Switch. KANSAS CITY, Mo., Jan. 30.—A freight train on the Wyandotte & Northwestern was wrecked by a misplaced switch today and the engineer and fireman injured. John Aron, a stockman from Bonanza, Kan., who was a sufferer from heart disease, died of fright.

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